

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 519 of 2020

Balram Mirey S/o Nandkumar Mirey, Aged About 22 Years R/o Village Barula, Post Belar, P.S. Fingeshwar, District Gariyabandh (Chhattisgarh).....(Applicant/claimant).

---- Petitioner

Versus

1. Laxmikant S/o Gendram Sahu, R/o Village Bhendri, Loharsi, P.S. Panduka, District Gariyabandh (Chhattisgarh).....(Non-Applicant),
2. Teekamchand S/o Kawaliram Sahu, R/o Village And Post (Wrongly Mentioned Potra)- Kaneshar, P.S. Chura, District Gariyabandh Chhattisgarh.
3. The New India Assurance Co. Ltd., Through Divisional Manager, No. 3, Tank Tower, Business Tower, Fafadih Chowk, P.S. Ganj, District Raipur Chhattisgarh.

---- Respondents

For the Petitioner : Shri Rakesh Kumar Thakur, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-01-2021

Heard.

1. This petition has been brought seeking indulgence of this Court under Article 227 of the Constitution of India to interfere with the order dated 25.11.2020 passed by the Court of Learned First Additional Motor Accident Claims Tribunal, Raipur.
2. The petitioner has been awarded a compensation of Rs.11,00,000/- by award dated 13.7.2019 in National Lok Adalat, in Claim Case No. 146 of 2019. There was a direction of the Lok Adalat to keep Rs.6,00,000/- in fixed deposit for a period of five years. The petitioner had earlier brought an application for release of Rs.1,50,000/- from the fixed deposit on this ground that he requires the money to procure artificial limb for him. The subsequent application was filed on 13.7.2019 for the

same reason asking for further release of Rs.2,00,000/- from the fixed deposit in favour of the applicant and it has been refused by the learned MACT by making an observation that the prayer made is not bonafide.

3. It is submitted by counsel for the petitioner that the amount earlier released could not be spent for procuring the artificial limb of the petitioner and has been spent on other necessities which could not avoided by the petitioner, therefore, the learned MACT should have considered the prayer sympathetically and allowed the application.
4. After considering the submissions, the petition is disposed off at motion stage, the order dated 25.11.2020 is set aside and the application filed by the petitioner for release of additional amount is restored. Learned Additional MACT is directed to hear on the application again and seek explanation from the petitioner to account for the expenditure of the amount which was earlier released from the fixed deposit in his favour and subsequent to this, pass an appropriate order on the application filed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge